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August 18, 2008

**VIA FACSIMILE (212) 805-7920 & REGULAR MAIL**

Hon. Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

Re: **Ernesto Miranda and Diana Miranda v. Abex Corporation, et al., including  
GE Aviation Systems, LLC**  
USDC SDNY Civil Action No.: **08 Civ. 5491** (related case: 08 Civ. 5509<sup>1</sup>)

Dear Judge Scheindlin:

Please be advised that GE Aviation Systems, LLC (GE Aviation) opposes any attempt to remand the *Ernesto Miranda* action back to State Court. GE Aviation an independent basis for federal jurisdiction and does not consent to any stipulation to remand this action to State Court.

As detailed in our August 11, 2008 letter to plaintiff's counsel, which is attached, GE Aviation did not have a meaningful opportunity to remove this action to federal court since this matter was removed to federal court the day after GE Aviation received actual service of process.

Accordingly, GE Aviation opposes remand of the *Ernesto Miranda* action.

Respectfully,

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

A handwritten signature in black ink, appearing to read "Dennis E. Vega", written over a horizontal line.

By: Dennis E. Vega, Esq.

encls:

cc: Levy, Phillips & Konigsberg, LLP (Robert Komitor & Patrick Timmons)  
All known defendants

<sup>1</sup> On June 26, 2008, under USDC SDNY civil docket for case 08 Civ. 5509, this case was accepted as related to 08 Civ. 5491 and an association was thereby entered on June 27, 2008.

NJ/223354v1



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August 11, 2008

**VIA FACSIMILE (212) 605-6290 & REGULAR MAIL**

Robert I. Komitor, Esq.  
Levy Phillips & Konigsberg, LLP  
800 Third Avenue  
New York, N.Y. 10022

Re: **Ernesto Miranda and Diana Miranda v. Abex Corporation, et al., including GE Aviation Systems, LLC**  
USDC SDNY Civil Action No.: **08 Civ. 5491** (related case: 08 Civ. 5509<sup>1</sup>)

Dear Mr. Komitor:

Please be advised that GE Aviation Systems, LLC will oppose any attempt to remand the *Ernesto Miranda* action back to State Court. GE Aviation Systems, LLC has an independent basis for federal jurisdiction and does not consent to any stipulation to remand this action to State Court.

GE Aviation Systems, LLC received actual service of process in the *Miranda* action on or about June 17, 2008. The next day, June 18, 2008, the *Miranda* action was subsequently removed to Federal Court by co-defendant Northrop Grumman Corporation under civil docket 08 Civ. 5491 and co-defendant Lockheed Martin Corporation under civil docket 08 Civ. 5509. On June 23, 2008, co-defendant General Dynamics filed a Joinder to Removal to Federal Court under docket 08 Civ. 5491. On June 24, 2008 co-defendant Boeing Company filed a Notice of Removal to Federal Court under docket 08 Civ. 5491. Consequently, no less than four co-defendants having already asserted a basis for federal jurisdiction within one week of our receipt of process, GE Aviation Systems, LLC never had a meaningful opportunity to remove this action, which we would have, and did not have the need to remove this action since we first filed our answer in Federal Court on July 8, 2008.

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<sup>1</sup> On June 26, 2008, under USDC SDNY civil docket for case 08 Civ. 5509, this case was accepted as related to 08 Civ. 5491 and an association was thereby entered on June 27, 2008.

NJ/222773v1

*Robert I. Komitor*

*Re: Ernesto Miranda and Diana Miranda v. Abex Corporation, et al., including GE Aviation Systems, LLC*

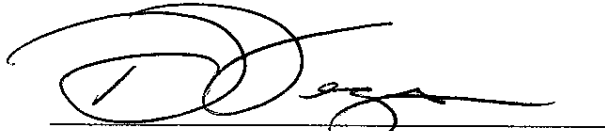
*August 11, 2008*

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Accordingly, GE Aviation Systems, LLC will oppose any attempt to remand the *Ernesto Miranda* action back to State Court, and does not consent to any stipulation to remand this action to State Court.

Respectfully,

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

A handwritten signature in black ink, appearing to read 'Dennis E. Vega', is written over a horizontal line.

By: Dennis E. Vega, Esq.

cc: Patrick Timmons  
All known defendants